

Section 4

Conflict Negotiation Guidelines

Kathleen Novak
Christianne Hall

Conflict Negotiation Guidelines

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Conflict Negotiation at a Glance

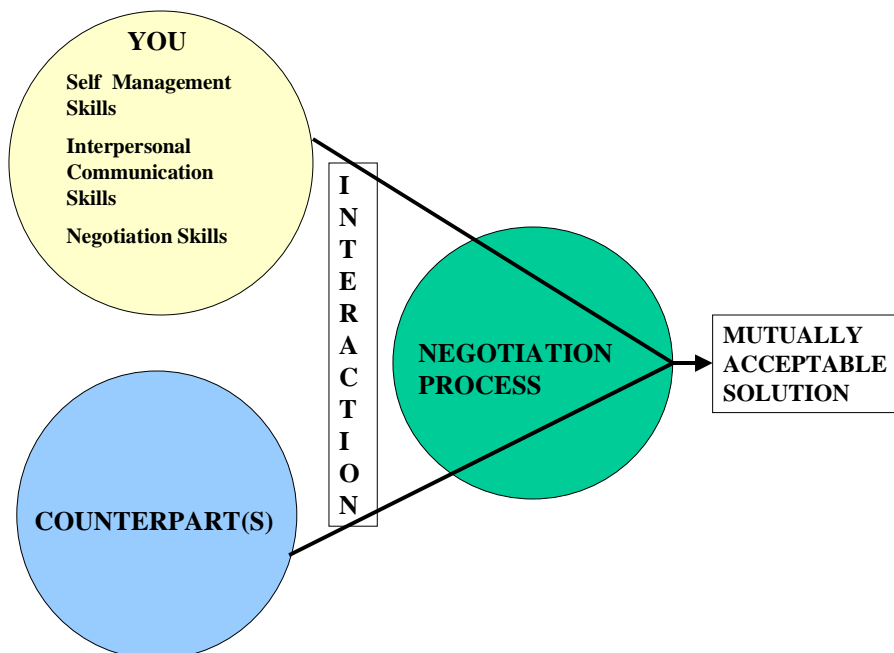
What is conflict negotiation?

Conflict negotiation is a back-and-forth communication process designed to anticipate, contain, and resolve disputes so that parties with some shared and some opposing interests can reach mutually acceptable solutions. Conflict negotiation refers to a voluntary, two-way communication in which parties involved control both the process and the outcome.

Conflict negotiation involves five key components:

- ▶ the parties involved
- ▶ the interests involved
- ▶ the relationship between parties
- ▶ their interactions throughout the negotiation process
- ▶ the results achieved.

Components of Conflict Negotiation



What is involved in conflict negotiation?

To effectively negotiate conflict and reach mutually acceptable agreements you need to:

- ▶ Prepare in advance.
- ▶ Manage yourself (your emotions and behavior) during conflict.
- ▶ Interact with your counterpart(s) in a productive way, using effective interpersonal communication skills and building a good working relationship.
- ▶ Use the interest-based approach as outlined in these guidelines.

What is gained through conflict negotiation?

Conflicts and disagreements are a natural and inevitable part of your work as a change agent in the health sector. With careful, thoughtful self-preparation, and by following the negotiation process outlined in these guidelines, you are more likely to resolve conflict and achieve the following constructive outcomes:

- ▶ Bring to the surface and clarify important issues.
- ▶ Generate improved, more creative solutions.
- ▶ Reach mutually acceptable agreements that meet your key interests and those of your counterpart(s).
- ▶ Strengthen your working relationship with your counterpart(s) as you honestly and respectfully negotiate your differences.

When disagreements are denied, avoided, or compromised away, they can:

- ▶ Divert energy from important activities and issues.
- ▶ Destroy morale.
- ▶ Polarize groups and individuals and, ultimately, make future cooperation or collaboration impossible.
- ▶ Produce irresponsible and regrettable behavior.
- ▶ Damage or destroy working relationships.



Conflict Negotiation Guidelines

Introduction

When working on health sector reform, an inherently political process, it is not uncommon to encounter disagreements among key stakeholders on priorities, actions to be taken, or desired results. These differences concern very real issues that have a direct and immediate impact on peoples' lives and livelihoods. Conflicts emerge, tensions rise, emotions flare, and agreements must be negotiated. The following are examples of health reform initiatives that have generated such conflicts:

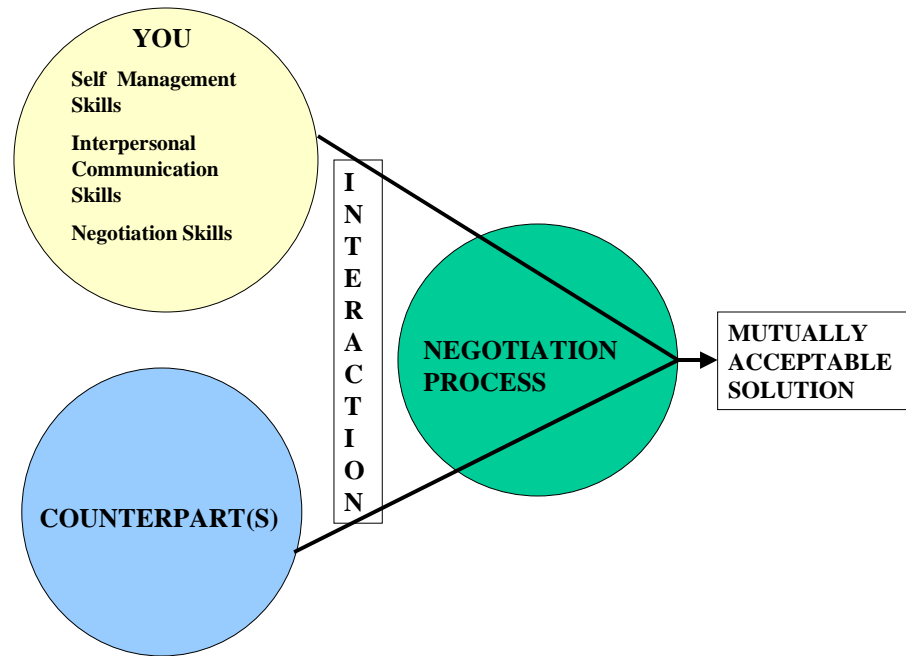
- ▶ Reallocating resources from central level ministries to decentralized units
- ▶ Shifting from historical to performance-based budgeting for public hospitals and clinics
- ▶ Increasing the authority of public hospital directors to hire and fire personnel
- ▶ Changes in the conditions, salaries, and evaluation standards for health care workers.

When we seek to implement health sector reforms, the financial, human, and technical resources needed are lost to competing uses and users. It is reasonable, therefore, to anticipate some conflicts between health reform teams and those health sector officials, managers, providers, and others who believe that shifting resources and other organizational changes required by reform will threaten their power, position, and security.

What is conflict negotiation?

Conflict negotiation is a back-and-forth communication process designed to anticipate, contain, and resolve disputes so that parties with some shared and some opposing interests can reach mutually acceptable solutions. Conflict negotiation refers to a voluntary, two-way communication where the parties involved control both the process and the outcome. Conflict negotiation involves five key components (Figure 4.1):

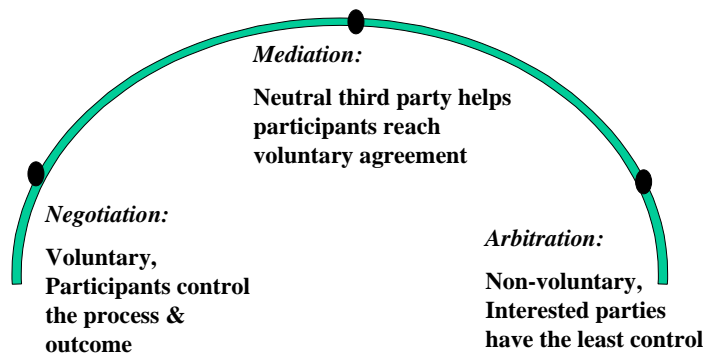
- ▶ the parties involved
- ▶ the interests involved

Figure 4.1. Components of Conflict Negotiation

- ▶ the relationship between parties
- ▶ their interactions throughout the negotiation process
- ▶ the results achieved.

If the negotiation is not successful, a neutral third party or mediator may be brought in to assist the interested parties in voluntarily reaching their own settlement or agreement. When mediation proves unsuccessful, especially in situations that have legal implications or considerable societal impact, external, binding, nonvoluntary arbitration may be introduced by appropriate governmental authorities. Such binding arbitration might be indicated, for example, in the case of a threatened shutdown of public hospitals that would put patients' welfare at risk. Figure 4.2 outlines the various mechanisms for conflict/dispute resolution, which range along a continuum from a voluntary, participant-driven process to a nonvoluntary process controlled by external arbitrators.

These guidelines focus on the voluntary negotiation of conflict. They can help health reform teams think and act strategically in order to anticipate potential conflicts and take advantage of windows of opportunity to initiate the negotiation process before the situation deteriorates and external, binding arbitration becomes necessary. This information is also useful to third-party mediators, but it will not necessarily apply to situations where nonvoluntary, binding arbitration has been initiated.

Figure 4.2. Continuum of Conflict/Dispute Resolution Mechanisms

Where does conflict negotiation fit into the policy process?

As outlined in Section 1, this toolkit is based on a conceptual framework of the policy process that includes six stages. In brief, the model states that reforms are launched when issues and agendas come together and policymakers decide on the general direction of the health reforms. The subsequent five stages in the policy process, as identified in Figure 4.3, are cyclical, with many cross linkages. These stages are:

- ▶ Policy formulation and legitimization
- ▶ Constituency-building
- ▶ Resource mobilization
- ▶ Implementation design and organizational structuring
- ▶ Progress/impact and monitoring.

This five-stage cycle is technically led because technical input is required and the process is generally led by technical staff. Overall, however, this remains an inherently political process. The ability to negotiate conflict is useful at all stages, but it is most critical during the following two stages:

- ▶ Resource mobilization: Implementing health sector reform requires substantial financial, human, and technical resources. Resources allocated to health sector reform are lost to com-

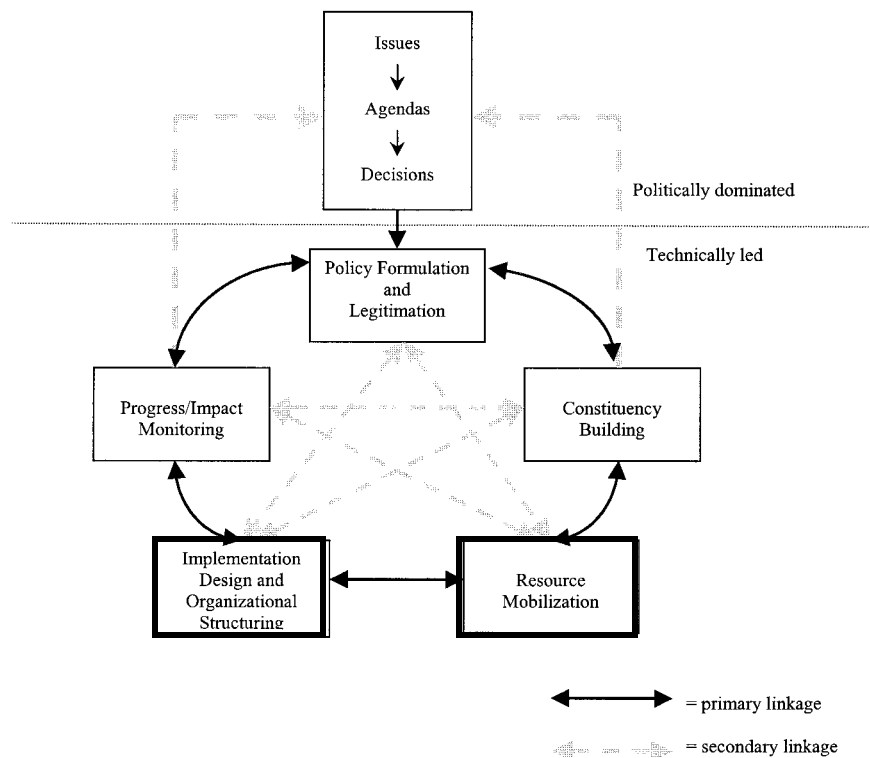
peting uses and users. Advocates for reform will need to anticipate, recognize, and negotiate the conflicts that such resource reallocation can create.

- **Implementation design and organizational structuring:** Health sector reforms assign new objectives and tasks to individuals and organizations. Frequently, no readily available, country-specific models are available to provide guidance and help manage the transition. Reform efforts also can lead to new partnerships as nongovernmental organizations (NGOs), private-sector physicians, professional associations, and community groups become more active in the reform process. For these groups, as well as for public-sector actors, adopting new ways of doing business may be perceived as a loss or a threat, rather than as an exciting opportunity or challenge. During this transitional phase, health reform teams may find themselves in conflict with those health professionals who resist change and are reluctant to give up familiar procedures, routines, resources, and relationships.

How can conflict negotiation help you?

Conflict is not uncommon during reform efforts, and developing skills to negotiate sound agreements, even in the presence of heated emotion, will be valuable in helping you further reform. As a technical person involved in the health sector, you may feel somewhat unprepared, or ill at ease, when your reform agenda is greeted with strong resistance or overt opposition. Understandably, you may wish to avoid such situations altogether and consider that dealing with these conflicts is not your responsibility. However, with the help of these guidelines on conflict negotiation—coupled with your own careful, thoughtful self-preparation, perseverance,

Figure 4.3. The Policy Process



and discipline—you can and will gain competence and expertise in this area. The rewards will be the following:

- ▶ Important issues will be brought to the surface and clarified.
- ▶ New information and options will be generated.
- ▶ Creative, improved solutions will be found.
- ▶ Working relationships will be strengthened as both parties honestly and respectfully negotiate their differences.

How does conflict negotiation relate to the other guidelines?

The Stakeholder Analysis Guidelines (Section 2), the first tool in this collection, outlines a systematic process for identifying interested stakeholders and assessing their power, interests, and positions on specific issues and policies. This clear understanding of the interests at stake and the positions of key stakeholders is critical to successful conflict negotiation.

The Advocacy Guidelines (Section 3) offer health sector reform teams a methodology and the necessary tools for facilitating some of the behavioral and organizational changes necessitated by health sector reforms. Advocacy can help mobilize constituencies, build support for required changes, and reduce internal and/or external opposition. Advocacy strategies are also useful for publicizing and communicating the results of successful negotiations to all interested parties.

Understanding Conflict

Conflict always takes place in the context of interpersonal relationships: with individuals, within families, in the workplace, within communities, and between and among opposing professional groups or political factions. These guidelines specifically address conflicts that arise as a result of health reform efforts, such as resource reallocation to decentralized district-level facilities, the reshuffling of roles and responsibilities within a unit of the ministry of health, or substantive restructuring of health sector organizations and delivery systems, etc..

Successful conflict negotiation does not just happen. People are not born good negotiators. Self-awareness, specific communication skills, knowledge of the technical content of the issues under discussion, and command of the negotiation process are all essential. Whatever kind of negotiation you face, sound and thorough preparation is the critical element for success.

You may associate the word “conflict” with negative experiences and outcomes. To be a successful negotiator, however, you must set aside these negative preconceptions and objectively try to assess the following:

- ▶ Your own beliefs, attitudes, and responses to conflict
- ▶ The nature of the conflict at hand
- ▶ Your personal investment in the outcome of the negotiation process.

You may be called upon to negotiate conflicts regarding issues that deeply concern you and involve your personal interests. This can make the line between managing your own feelings and reactions and managing the negotiation process itself difficult to distinguish. Your ultimate success as a negotiator, however, will depend on your ability to track and manage your feelings, reactions, and behavior in a disciplined manner while you simultaneously interact and negotiate with your opponents. The remainder of this section helps you prepare for this complex and challenging effort.

Understanding Your Beliefs, Attitudes, and Responses to Conflict

The attitudes and beliefs that shape your response to conflict are highly individualized and are influenced by many factors, including your culture, family background and behavior, and personal experiences (either positive or negative) in dealing with conflict, to name a few. In addition to attitudes and beliefs, your behavior in any conflict negotiation also is influenced by your values and assumptions regarding: 1) the nature and importance of relationships; 2) how other people function; 3) how you should go about getting what you want; 4) your knowledge of the specific situation; and 5) your understanding of your opponents. Finally, your approach to conflict negotiation is affected by the extent to which you balance interest-driven concerns (goal attainment), and relationship-driven concerns (developing and maintaining positive, working relationships).

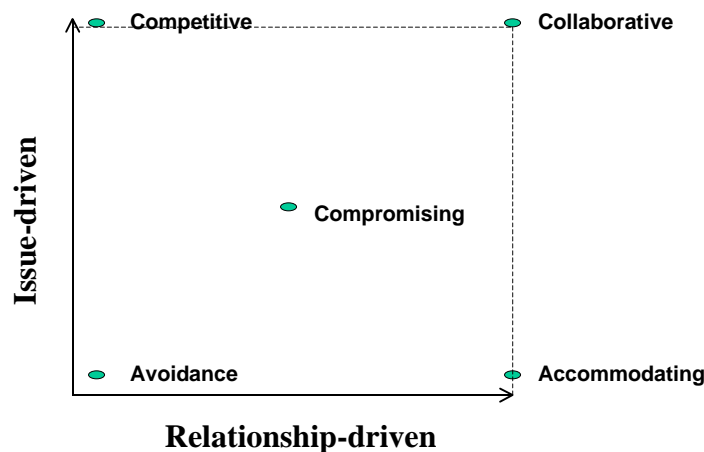
To be an effective conflict negotiator, you must first understand your personal style or approach to conflict negotiation and then adapt and adjust that style in response to the circumstances under which you must negotiate.

1. Identify your conflict negotiation style.

Although terminology may vary, most authorities on conflict agree that individual styles of conflict management can generally be described as falling into one of the following five patterns (Figure 4.4): 1) collaborative, 2) competitive, 3) compromising, 4) accommodating, and 5) avoiding. There is no one “right” style for managing conflicts; each style is helpful in certain situations and can have negative consequences when overused, or when used inappropriately.

Collaborative. Collaboration is both interest- and relationship-driven, as shown in Figure 4.4. True collaborative agreements are reached by digging deep into an issue to identify the underlying concerns and interests of the parties and finding solutions that truly satisfy these concerns. Such agreements require investments of time and energy and both are valuable and limited resources.

In the arena of health sector reform, the stakes can be high: differing objectives and methods clash frequently, the resulting conflicts are substantive, and there is a very real need to maintain satisfactory working relationships with counterparts. Given the high stakes, investing the extra resources needed to reach collaborative agreements that achieve your interest-driven agenda while preserving sound working relationships with your opponents will generally be more than worthwhile in the long term.

Figure 4.4. Conflict Negotiation Styles

Source: Kilma and Momar 1974.

Collaboration is appropriate when the concerns of both sides are too important to be compromised, but not all problems and conflicts require such optimal solutions. Be careful not to overuse collaboration on less substantive matters, particularly just to minimize risk or avoid responsibility. In addition, your collaborative efforts should elicit similar, collaborative responses from your opposition; if they don't, this may be a signal that you need to rethink the relationship issues and develop another negotiation approach and strategy.

Competitive. A competitive negotiation style is primarily interest-driven, with the goal of having your side win and the other side lose. Much less, if any, emphasis is placed on relationship issues. This is a power-oriented negotiation style in which you use whatever power and influence is available to protect and promote your interests.

A competitive style of negotiation is appropriate when: 1) quick, decisive action is vital, e.g., emergencies; 2) unpopular courses of action are needed, e.g., cost-cutting, enforcing stringent regulations; and 3) initial, more collaborative approaches have shown that your opponents are likely to take advantage of noncompetitive behavior.

An overuse of the competitive approach, however, may result in lost alliances and partnerships, reluctance on the part of your subordinates to provide needed information or data (i.e., because it challenges your position), and a competitive climate where more time may be spent on fighting for influence and power than on productive problem-solving.

Compromising. Compromise is both interest- and relationship-driven, although as shown in Figure 4.4, less so than collaboration. Compromise is the attempt to find mutually acceptable solutions that partially satisfy your interests and those of your opponents without unduly straining your working relationship. This approach requires that you deal directly with the conflict

and underlying interests at hand, but doesn't require that you explore these interests in as much depth as the collaborative approach.

Compromise is appropriate when you and your opponents have equal power and are strongly committed to mutually exclusive objectives. Temporary settlements to complex issues also may involve compromise, particularly when there is significant time pressure. For example, as a hospital director involved in negotiations with health provider unions, you may compromise on the number of positions to be eliminated in your hospital in exchange for the union's promise to defer salary negotiations for an additional 6 months. This solution is not completely satisfactory to either side. The compromise struck, however, avoids the potential disruption of a strike, achieves a temporary settlement, and leaves the way open for more collaborative negotiations in the future.

Accommodating. Accommodating is relationship-driven and places emphasis on the concerns and interests of the opposition rather than your own. Although it will not move your technical agenda forward, accommodation can be a useful strategy, especially if the issue at hand is very important to your opponents and the outcome has no particular negative consequences for you or your interests. Under such circumstances, accommodation can be used as a goodwill gesture to help maintain a cooperative relationship with the opposition and build up social credits for future issues that may be more important to you.

Overuse of accommodation, i.e., continual deference to the concerns of your opponents, may deprive you of the recognition and respect you need to influence future negotiations and outcomes with your opponents. Preserving harmony and avoiding disruption through accommodation must be balanced against maintaining your leadership and credibility and achieving your reform objectives.

Avoidance. By avoiding conflict altogether, you address neither your interests nor the competing interests of the opposition. Although not generally viewed as a useful strategy or a long-term solution, avoidance is appropriate under the following circumstances:

- ▶ An issue is trivial and doesn't merit your time
- ▶ The potential damage of confronting the conflict far outweighs any possible benefits
- ▶ You have little or no power and perceive no chance of satisfying your interests.

Postponement, a variation of avoidance, is a useful strategy when you need time to regroup and assess a situation, gather more information or resources, or recruit allies who have the power and influence required to address and negotiate the conflict more effectively.

2. Adopt a negotiation style that is appropriate to the current situation and your goals.

One key to successful conflict negotiation is the ability to realize when your own natural negotiation style is, and is not, appropriate. Review the styles described above, and identify the style that most closely describes your approach to conflict. If you know that you tend to compete for space and dominate conversations, especially when you are trying to win a point, pay particular

attention to the suggestions in the following section for developing constructive communication and active listening skills. If, on the other hand, you find it difficult to state your point clearly and with sufficient conviction, or you tend to avoid conflict at any cost, work on improving your ability to clearly state your interests and communicate your needs to the opposition.

No single approach or style for conflict negotiation will prove successful under all circumstances. Through careful assessment and preparation, however, you will be able to adjust your approach and avoid the negative emotional reactions that often derail communication and almost always escalate the level of conflict. Preparation—thinking through in advance what you are trying to accomplish and how you will proceed—will help you acquire and maintain the self-control you need during difficult negotiation processes. To learn more about your individual strengths and weaknesses as a negotiator, complete the questionnaire (which can be self-administered) and scoring sheet and read the accompanying list of suggested improvements in Annex 4-A.

Assessing the Nature of the Conflict Involved

Conflict has a substantive component (the issues about which you disagree) as well as an emotional component. In the real world, the two components tend to be inextricably intertwined.

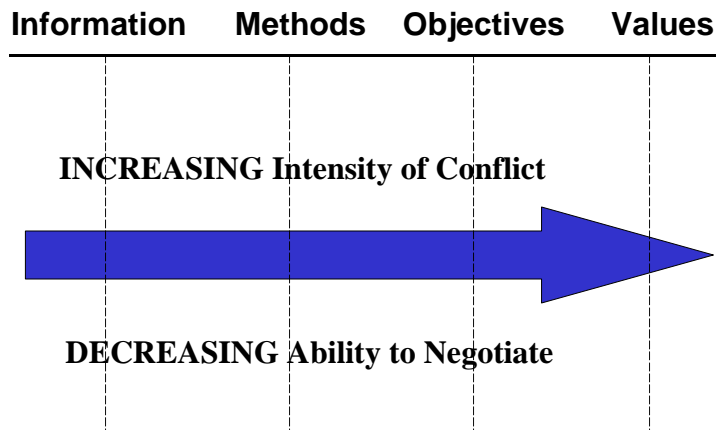
You will not be immune to the emotional tension that conflict negotiation can entail. When confronting strong opposition, you are likely to experience negative feelings such as animosity, anger, distrust, frustration, and anxiety. Better preparation and analysis, on both sides, can help contain the emotional tensions and encourage the creative problem-solving that leads to mutually acceptable solutions.

One important step in your preparation is to analyze the nature of the issue at hand and its personal importance or significance for you: Is this an issue that confronts your basic value system? Is it about the priority you place on your immediate objectives? Do the parties involved have similar objectives but choose different methods to reach the same end? Are the parties really disagreeing about facts and figures?

Your capacity to negotiate mutually acceptable solutions will usually decrease as you proceed from disagreements about information and methods to disagreements that involve your objectives and core values. Fortunately, in the arena of health reform, respect for human life, solidarity, and other core values are generally shared among key stakeholders. Differences are more likely to occur at the level of objectives, methods, and information. Figure 4.5 illustrates the relationship between the level of conflict and the ability to negotiate.

Conflict varies in intensity from mildly adversarial to bitter. One indicator of the intensity of the conflict is the level of emotional energy that accompanies your interactions and attempts to negotiate. The emotional intensity, however, does not always indicate the true *substantive* weight of the issue. Some individuals bring the same heat and intensity to all discussions, whether they are about the validity of data sets or the inclusion of certain life-saving techniques in a social insurance package.

Avoid unnecessary tension and escalation by identifying the level and significance of the conflict at hand. Spend the time and effort required to identify common values and objectives

Figure 4.5. Conflict Scale

before discussing the areas of difference and conflict. This helps you diffuse tension, focus your negotiation at the appropriate level, and increase your likelihood of finding mutually acceptable solutions.

Assessing Your Investment in the Negotiation

Before you commit to participate in any substantive negotiation, take the time to complete the personal inventory in Annex 4-B. This tool helps you assess your personal investment in the outcome of the negotiation and identify any personal risk factors that are relevant. After answering the questions, stop and assess your answers. What specifically concerns you about this issue? What is at stake for the reforms you are trying to implement? What personal or professional risks are involved if you are not successful? What would be the best mutually acceptable outcome you can imagine? What would be an outcome you could accept? What is the best outcome you can expect if you don't negotiate?

Answering the questions in this personal inventory helps you put the negotiation process in perspective as it relates to you, your interests, and your efforts to implement change. Based on this information, you can assess whether it is in your best interest to enter into negotiations and the potential consequences of a decision either way. Having a realistic idea of the stakes involved enables you to be firm, yet flexible, during the actual negotiation process, without feeling insecure or vulnerable.

Summary

Effective conflict negotiation requires that you express your interests and needs clearly, understand the interests and needs of the opposition, and use your joint problem-solving skills to reach an acceptable solution. The next section introduces communication and interpersonal skills that can increase your negotiating ability and greatly improve your chances of success.

Developing Effective Interpersonal Communication Skills and Building Working Relationships

Effective communication and interpersonal skills are essential to successful conflict negotiation because:

- ▶ Demonstrating respect for the other party is a critical factor in constructive conflict resolution.
- ▶ The more information each sides has about the interests and needs of the other, the more likely both sides are to reach a mutually acceptable solution.
- ▶ A problem-solving approach that emphasizes collaboration rather than competition is more likely to result in a positive outcome.

When negotiating conflict, it is essential that you express your interests and needs clearly, understand the interests and needs of the opposition, and use your joint problem-solving skills to reach an acceptable solution. These assumptions set the stage, but the communication skills described below are essential. Although they do not necessarily come naturally, they can be learned and must be practiced, and this section helps you do both.

Developing Effective Interpersonal Communication Skills

1. Be an active listener.

Listening is labor-intensive. Active listening requires a clear focus on understanding the speaker's message. In conflict situations, people all too frequently begin to frame their responses before the other party has finished speaking, impeding their ability to fully comprehend what is being said and inviting miscommunication based on incomplete messages. Developing your listening skills can help you:

- ▶ Prevent misunderstandings and clarify, paraphrase, and summarize what you think you heard. This increases your understanding while letting your opposition know you are really listening.
- ▶ Demonstrate respect by listening attentively without giving ground on the issue.
- ▶ Receive accurate and specific information and explore for more details. This helps you formulate a more precise definition of the problem and more precise options for solutions.
- ▶ Understand your opponents while allowing them to express thoughts in their own way.

The human brain processes information four to ten times faster than the speed of speech. This means that your mind has time to wander when you are listening. It takes focused concentration to stay with the speaker and his or her message and avoid jumping ahead to think about proposed solutions, objections, or additional topics. You must overcome both internal and external distractions and focus your energy and attention on fully understanding the meaning of what is being said to you, not on what you want to say next.

2. Use questions.

Questions are interventions. They require the person answering to organize his or her thoughts on the subject and then frame a response. Asking appropriate questions can help you:

- ▶ Gain more information: “What led you to that conclusion?” What is your opinion on that situation?”
- ▶ Refocus a discussion: “What is the problem we are trying to solve here?”
- ▶ Reorient a potential attack or escalation of conflict: “Is there another, more positive way we can frame this issue?”
- ▶ Show respect for and interest in your opposition’s view: “Is there anything else you think I should know that would help me understand your position on this?”
- ▶ Introduce information as well as options for solutions: “What would you think if we involved the physicians in this deliberation?”

Be careful, however, not to ask leading questions that contain an implied answer, for example: “Don’t you think it would be a good idea to involve the physicians?” This is not a question but an implied statement; your opponent will not be fooled, and you may build resentment by such attempts to override his or her thinking.

3. State your interests, needs, goals.

A clear, specific statement of your interests, needs, and goals allows your opposition to be clear about what you expect from the negotiation process as well as what needs or interests must be satisfied for a solution to be acceptable. The more completely you analyze the situation and identify your underlying interests and logic, the more clearly you can state your case.

4. Set a constructive tone.

Emphasize positive intentions whenever possible, for example, “I am confident that we can reach an acceptable solution to this dispute.” The use of the word “we” also conveys an important message by conveying that the negotiation is a joint process, not something that one of you will impose on the other.

5. Acknowledge and validate the other person’s perceptions.

For example, “This new information helps me understand your concerns about this change in staffing, however, ...” Validating your opponents’ perceptions does not imply that you agree with or accept them. It does, however, let them know that you have heard and respect their perspective. It also relieves them of the need to make the same point over and over, because they know you have heard and understood them.

6. Improve your understanding of the opposition.

Some of the most successful negotiators are those who can form a relationship with their opponents for the specific purpose of joint problem-solving and reaching mutually acceptable solutions. This requires the ability to imagine oneself in the other person’s position, with his or her

interests, needs, and, perhaps, constituencies. How would you be thinking, planning, reacting if you were on the other side of the table? Developing this deeper understanding of the opposition improves your ability to generate mutually acceptable options and solutions—ones that you would accept if you were in your opponent's shoes.

7. Provide constructive feedback.

As you actively listen, explore, and assess what you hear from the opposition, you must also provide feedback. This may concern the opposition's stated interests and demands (content), or its behavior and responses (process) during the actual negotiation. Feedback is most useful when it is:

- ▶ Specific rather than general: Specific statements set the stage for problem-solving interaction while generalities can lead to confusion. Speak in clear, precise language.
 - General: "You weren't helpful during the meeting."
 - Specific: "You waited until the end of the meeting to tell us you thought we had been on the wrong track the whole time."
- ▶ Focused on actions, not attitudes: Be specific, and focus on observable behaviors, not feelings and attitudes.
 - Attitude: "You don't care about this initiative."
 - Actions: "You haven't attended the last two meetings and didn't return my phone call about the draft work plan."
- ▶ Well-timed and focused on the issue under discussion: Provide feedback, whether on content or process, as soon as feasible within the negotiation process. Avoid the temptation to include other salient issues, and focus your statements on the specific issue at hand.
- ▶ Checked for clarity and understanding: Your feedback may be specific, descriptive, and well-timed, but if it is not clearly understood by the opposition you will not achieve your objectives. Check that your feedback was heard *and* understood.

8. De-escalate tension and conflict.

No matter how well prepared you are, there may be times during a conflict negotiation when tensions begin to escalate. Once anger is expressed, it tends to build unless one or both parties actively attempt to diffuse or de-escalate the emotional tension. In order to de-escalate conflict, try to:

- ▶ Speak slower and, if the tone and volume of the opponent are rising, speak softer.
- ▶ Remind yourself: "We can find a solution that we both agree on."
- ▶ Ask for a break to collect your thoughts. This is not a sign of weakness and will allow you to refocus, analyze what is occurring, and prepare a substantive, effective response.
- ▶ Breathe.

- ▶ Watch your language. Don't use words that can escalate a conflict such as: never/always; no/won't; should/shouldn't; you must/you must not.
- ▶ Acknowledge and validate the opposition's position (see above).
- ▶ Listen to your voice. Is it high-pitched? Tense?
- ▶ Check that you are still listening to the other party. Have you started framing answers or responses prematurely?

If the techniques above do not work or do not feel natural for you, experiment and find those methods that help you to stay calm in the midst of intense emotion. The ability to maintain (or at least regain) composure is critical to your success as a negotiator. It is especially important when the opposition is turning up the heat and directing anger toward you. If you allow your opponent to yell or behave in other inappropriate ways, you will be uncomfortable or even angry, and it will be extremely difficult, if not impossible, to continue with the negotiation. It may ultimately lead to your opponent's embarrassment, which will make it more difficult to negotiate in the future.

Provide your opponent constructive, specific feedback regarding his/her behavior and its observable effects on the negotiation process. If this does not improve the situation, it is better to suggest a break until you can all cool down and gather your thoughts than to risk having the negotiation quickly deteriorate.

9. Avoid judging, criticizing, and/or blaming others.

While it seems obvious that these behaviors should not be used in conflict negotiation, these roadblocks to communication occur frequently during heated negotiations. When you feel anxious or vulnerable, you are more likely to look for an explanation based on the shortcomings of the opposition: "if they were more reasonable," "if they hadn't spoken to the press in the first place," "if they had been better prepared for the union negotiations," etc. These are understandable and acceptable feelings; however, when you act on such feelings and become judgmental, critical, and blaming, you reduce your effectiveness as a negotiator. Ironically, these very responses to feelings of vulnerability serve to make you truly vulnerable.

When emotions cloud your thinking, you are less able to represent the interests and needs of those you seek to support. It is usually a signal that you are losing ground in a negotiation if you stop attacking the issues and start attacking the person. If you hear yourself doing this, take a break or use one of the methods listed above to diffuse the situation. The situation is not likely to improve by itself; you need to actively change the course of your behavior.

10. Overcome past negative history with the opposition.

Emphasizing your positive intentions and expectations is especially important when your prior interactions, history, and/or negotiations with the opposition have been negative, particularly if you have made numerous unsuccessful attempts to resolve conflicts and they were laden with intense emotion and/or resulted in negative outcomes. There is no miracle cure for this situa-

tion, but one thing is fairly certain: if you don't make some adjustments to the way you interact with the opposition, you will likely continue to have negative results.

One helpful technique is to acknowledge, up front, your difficult history together and be specific about your goals and expectations for this particular interaction. For example, "I know we have had several unsuccessful attempts to resolve this question regarding authority over personnel decisions in the hospital. I am confident that if we focus our discussion today on our mutual concern for equity among health care providers, we will make some progress." This statement neither ignores the past, nor focuses on it. Instead, it sets positive expectations for the present. By specifically setting the boundaries and a confident expectation of success, you convey that you are ready to do business in a constructive manner.

The real challenge is to stay positive and focused on the specifics of the discussion, and not to give in to the very human tendency to bring up past insults, grievances, and unresolved issues. Reaching agreement on one, specific issue can help pave the way for an improved working relationship and improved negotiations on more substantive issues in the future. It is always helpful to establish and emphasize common ground whenever possible.

In situations where a real negative history prevents constructive negotiation, consider bringing in a neutral third party that is acceptable to you and the opposition. This neutral party can more effectively facilitate the negotiation process and increase the probability of a positive outcome.

Building Working Relationships¹

Negotiation requires that the parties involved address substantive differences in an open, frank, and non-combative manner. In order to interact with each other in a constructive way, the participants must build mutual trust and develop a working relationship. Some working relationships will be closer, more resilient, and more productive than others, depending on the nature and intensity of the bond between the individuals involved. All good working relationships, however, personal or professional, lifelong or brief, require the following:

- ▶ focused attention and effort
- ▶ trust
- ▶ accountability
- ▶ reciprocity
- ▶ an absence of threat or fear
- ▶ effective communication
- ▶ some degree of tolerance for each others perspective.

The first step in building a good working relationship is to be conscious of your behavior and its potential effect on others. Below are some specific techniques to help you develop an effective working relationship with your colleagues, whether they support or oppose your change efforts.

1. A useful resource on this subject is Fisher and Brown 1989.

1. Build trust and accountability.

- ▶ Trust is built in measures; it requires fulfilling your commitments and keeping your agreements over time. Being punctual at negotiation meetings, respecting the ground rules for the process (i.e., discussion time, courtesy rules, etc.), and respecting any promises of confidentiality regarding the proceedings are all important for building trust. The real test of your trustworthiness, however, will be the extent to which you keep the promises and commitments made during the negotiation process. Be careful to make only those promises and commitments that you can keep. Ensuring you behave in a trustworthy manner and are perceived as such is especially critical when you don't have an existing relationship with your counterparts.
- ▶ Demonstrate your willingness to invest the time, resources, and effort required for a mutually acceptable resolution of the conflict.
- ▶ Reinforce your interdependence by soliciting your counterparts' input and feedback, wherever possible, throughout the negotiation process.

2. Establish a non-threatening environment.

It is important that you establish a positive, constructive, and congenial environment during the negotiations. If your counterparts feel insulted or threatened, they are more apt to withhold information, act defensively, and even terminate the negotiations.

- ▶ Attack the issues, not the people who support them.
- ▶ If personally attacked, redirect the focus back to the substantive differences and away from personalities. Remember that every form of communication, no matter how unpleasant, provides you with valuable information about your opponents' interests and concerns. It is important to acknowledge (by paraphrasing) and clarify (by questioning) the substantive issues. By refusing to counterattack, you will avoid head-to-head confrontation and de-legitimize your opponent's threatening behavior.
- ▶ Demonstrate the same behaviors you expect from the opposition. Avoid direct or indirect manipulative tactics.

3. Communicate effectively.

Effective communication encourages an open, honest, and constructive dialogue. It is essential for reaching mutually acceptable agreements and building and/or sustaining a good relationship with the opposition.

- ▶ Use language that creates and sustains a team mentality by emphasizing shared goals, interests, and expected benefits.
- ▶ Be candid in communicating your interests, concerns, and emotions. This is particularly helpful when you sense that your counterparts' might be hesitant to share information openly; you can encourage your counterparts' to be more forthcoming by your example.

4. Demonstrate your understanding and respect for the other side.

Feeling respected is a fundamental human need. The more you explicitly demonstrate your understanding and respect for your counterparts and their underlying needs and interests, the more likely they are to feel comfortable and invested in the negotiation process.

- ▶ Be exhaustive in exploring the other side's interests and needs. Assume you do not know enough: ask as many pertinent questions as possible.
- ▶ Get to know your counterparts. Schedule an informal meeting, or arrive early and/or stay late during negotiations to allow for some less-structured conversations.
- ▶ Be receptive to your counterparts' grievances and criticisms. Not only listen to and validate their concerns, but address them substantively.
- ▶ Show that you appreciate the other side's concerns by treating each with the weight it deserves.
- ▶ Be open to revising your views.

Summary

Up to this point, these guidelines have focused on the important process of preparing yourself for conflict negotiation, understanding various aspects of conflict before you enter a negotiation, and the interpersonal communication skills and relationship building you need to support your negotiation efforts. The next section will take you step by step through the actual negotiation process.

Managing the Negotiation Process: An Interest-Based Approach²

In almost every conflict situation, there exists the possibility of negotiating a mutually acceptable outcome. Many negotiations fail, however, because they are not properly focused and opposing parties cannot deal with their differences in a rational, effective manner. Successful conflict negotiation is interest-based, not position-based. Understanding the distinction between positions and interests is critical:

- ▶ A position tells others *what* you want. Your position reflects your predetermined point of view or attitude on a certain issue.
- ▶ Your interests tell others *why* you want something. Your interests reflect your underlying concerns for your own benefit or advantage (your needs, desires, and concerns).

2. The interest-based approach outlined in this guideline is similar to the methodologies used in preceding works written on conflict negotiation. Please refer to the bibliography for citations of the texts that were used by the authors in developing these guidelines.

You arrive at your positions through a complex decision-making process that takes your interests into account. In position-based negotiation, these underlying interests may never be explicitly mentioned. In interest-based negotiation, however, the interests from both sides are identified and explored. Focusing the negotiations on the interests at stake helps each side understand the other's perspectives, not just its immediate reactions or positions. This approach encourages negotiators to seek common areas of concern and facilitates a negotiated agreement that responds to their key concerns. Experience also shows that discussing interests is less incendiary because they are tangible, more understandable, and more likely to invoke empathy from others.

The process outlined in this section follows an interest-based approach to help you plan, structure, and implement an effective conflict negotiation that yields mutually accepted solutions.

Steps To Take Before the Negotiations Begin

Step 1. Identify the issue to be negotiated.

Conflict negotiation is a time- and resource-intensive process that is best utilized when:

- ▶ Conflict resolution is central to moving the health reform agenda forward.
- ▶ Other, less resource-intensive, methods have not succeeded.
- ▶ The problem or issue at hand lends itself to negotiation.

Box 4.1. Strategic questions to ask when you are defining the issue and deciding to negotiate

- ▷ Does this conflict merit the time and resources required to reach a mutually acceptable resolution?
 - ▷ Is resolution of this conflict critical to moving our health reform agenda forward?
 - ▷ Does the problem/issue lend itself to negotiation?
 - ▷ Is it realistic to expect that the negotiations will have some positive results?
- If not, is there a way to reframe the problem/issue to make it more manageable?

Before you begin to negotiate, carefully define the issue and articulate it clearly. Identify what you hope to achieve as a result of the negotiation and how this contributes to your reform agenda. Be sure your expectations are well grounded in the reality of your experience and are not overly ambitious or unrealistic.

Some issues do not lend themselves to negotiation. Conflicts based on differing values may be extremely difficult to negotiate to a mutually acceptable solution. As noted, however, in the arena of health reform, key stakeholders generally share similar core values. Conflict therefore is more likely to surface in defining the objectives of reform and determining the methods to be employed for implementing reform.

For the purposes of negotiation, it is helpful to dissect complex conflict situations and redefine the issue in terms of individual components. Negotiating the overall problem issue by issue may facilitate some measure of agreement with the opposition even if not all aspects of the conflict are resolved. This strategy can improve the immediate outcome as well as the prospects for future negotiation.

Step 2. Secure the participation of the right people (and resources) on your side.

For a successful negotiation, you need the right people at the table. Your ideal negotiating team will vary in number and makeup depending on the situation, but in general you need a team

that has the power and authority to negotiate effectively, make decisions on behalf of your group/organization, and implement the negotiated agreement.

The process and results of the negotiation will likely be hampered if there is a substantial power differential between the opposing sides. If your assessment indicates that your own negotiating team is not of optimum strength in terms of power, authority, technical knowledge, negotiating skills, etc., it is important to seek the participation of other individuals who can balance your areas of weakness. Another strategy is to align with other groups or organizations to increase your collective negotiating power.

Table 4.1 outlines the categories to consider when analyzing the respective power of the two sides:

Table 4.1. Assessing the Relative Power of Negotiating Teams

Authority	Elected officials, power accorded by policies or law, and authority related to job title/position within the organization
Resources	Financial, capital, technical, and human resources
Personal	Leadership, charisma, and the ability to mobilize resources...i.e., organize strikes and protests, generate active support, etc.
Social	Affiliation or influence with community groups, professional associations, labor unions
Knowledge	Technical or professional expertise

Step 3. Identify your counterpart(s) for the negotiations, and make meeting arrangements.

To identify the most appropriate counterparts, consider the following criteria in your selection:

- ▶ **Willingness to negotiate:** At a minimum, your counterparts need to be willing to negotiate. Ideally, they also should be motivated and committed to seeking a mutually acceptable solution.
- ▶ **Power and authority to negotiate:** Each negotiator must have sufficient power and authority to carry out the agreements reached through negotiation.
- ▶ **Legitimate spokesperson/representative for their group or organization:** It is critical that each individual in the negotiation is accepted and trusted as a legitimate representative of his or her group or organization.
- ▶ **Influence on other parties potentially affected by the negotiations:** Other people, groups, and organizations are likely to be affected by the outcome of the negotiations. If the issue to be negotiated is very controversial, select those individuals with the greatest influence on these other parties from the list of potential counterparts. The greater your counterparts' influence, the greater the likelihood that they will successfully implement the negotiated solution.
- ▶ **The complexity of the issue:** This may influence the number of parties involved in the negotiation. In selecting the appropriate individuals, try to strike a balance between fostering a creative environment and including too many disparate interests and/or personalities. Limit the number of negotiators to those individuals whose participation is absolutely necessary.

In many circumstances, an organization will nominate one or more individuals to negotiate on its behalf. In these cases, since you will not be “selecting” your counterparts, use the criteria above to judge whether to agree to the proposed individual or suggest an alternative.

Once you have identified the most appropriate negotiators, confirm their participation and availability. Arrange to meet at a mutually satisfactory time, when all parties are free from other distractions. The physical setting of the meeting influences the negotiating environment, so reserve the venue well in advance. Be sure it has ample space and light and that it is perceived to be neutral territory.

Step 4. Prepare for negotiation.

Thorough, advance preparation is critical for successful negotiation. It ensures that your expectations are realistic, that you can anticipate what might happen during the negotiation process, and, as a consequence, that you are better equipped to respond in a thoughtful, effective manner. The previous section of these guidelines outlined how to assess your personal investment in the negotiations (see the Personal Inventory Worksheet in Annex 4-B) and how to psychologically prepare yourself for the negotiation process. The additional information in this section will help you prepare, organize, and present the information you need to successfully negotiate with your opposition and reach mutually acceptable agreements.

Review the steps involved in the negotiation process. Thoroughly familiarize yourself with the structure of the negotiation process by reviewing the negotiation guidelines until you feel comfortable that you understand and have mastered the steps.

Complete the Negotiation Preparation Worksheet. To be well prepared, you must not only understand the steps involved but also begin to anticipate how the actual negotiation will play out. Complete the Negotiation Preparation Worksheet in Annex 4-C to better assess potential opportunities and problems, focus on the substantive issues that most concern you, and generate valuable information you can use in the negotiations. A sample completed worksheet is also included in Annex 4-C as a reference.

Collect additional information about the issue and/or your counterpart(s). Take a moment to reflect on your preparation and ask yourself some critical questions. Do you know enough about the issue? Are you clear about your interests and what is at stake? Do you know enough about your counterparts’ interests? If your answer is “no” to any of these questions, you need more information and are not adequately prepared for the negotiation process. To remedy this, consult experts or third parties, and review written documents, media sources, and literature to get more information.

Prepare to communicate effectively. Before entering the negotiating room, review the previous section on effective interpersonal communication skills. Mastering these skills will allow you to concentrate on the larger, substantive issues under negotiation, as communicating clearly, directly, and appropriately with the opposition becomes more effortless. You may also

want to develop a mental list of neutral terms and phrases that serve as alternatives to any inflammatory language that may be in your current negotiating repertoire.

Use all the information from the Preparation Worksheet (Annex 4-C) during your negotiation. Completing the preparation worksheet will give you a clear understanding of your key interests, a better idea of your counterparts' interests, and some preliminary ideas about the possible content of a negotiated outcome. This critical information should be used during the actual negotiation process.

During the negotiation process, you are likely to face a couple of unexpected curves. Maintain your focus on the substantive issues and the desired results of the negotiation. This will help you adjust your strategy as needed while keeping your emotions and short-term frustrations from interfering with your success. Careful self-management is critical to your success (as described in the previous section). Your behavior will greatly affect your results by influencing your counterparts' behavior, by coloring how other participants experience the negotiation process, by shaping the process/outcome of the negotiations, and by determining the potential for negotiation and collaboration in the future.

Steps to Take During the Negotiation Process

Step 1. Clarify expectations and establish ground rules.

Reach a preliminary consensus about what you and your counterparts collectively hope to achieve and the process you will follow to get there *before* you launch any substantive discussion of the issues. This consensus helps you develop clearly stated, realistic expectations for the negotiations. Begin the process by sharing what you would like to see as an outcome of the meeting and inviting your counterparts to do the same.

To develop feasible solutions, you must consider all the possibilities as well as the externalities that define what each party can and cannot do. These may include contractual requirements, available resources, political accountability, laws, policies, and organizational regulations. Framing your negotiations within a realistic context helps ensure that each party will have the commitment and resources needed to implement negotiated solutions.

Clarify the process you will follow to get to a negotiated agreement. The process must be transparent, be mutually acceptable, and utilize an interest-based approach. These guidelines provide a simple, sound negotiation process which you can propose to your counterparts. You can discuss this approach with them and modify it slightly as needed based on their feedback. This initial dialogue will set the stage for the remainder of the negotiations, and so it is particularly important to communicate clearly, listen attentively, and demonstrate respect for the opposition (as described in the section on Developing Effective Interpersonal Communication Skills and Building Working Relationships).

Establish some basic ground rules to guide the negotiation process and help all parties feel secure along the way. These rules will depend on the issue, circumstances, and personal preferences of participants—they can be few or many and can be related to process, behavior, or communications. If the issue is politically sensitive, clarify whether the negotiation proceedings will

be confidential, anonymous, or public. In any event, all parties should know who will have access to the proceedings and when this information will be shared. Establishing time limits for meetings and rules of common courtesy (no interrupting and equal discussion time for all sides) also creates an atmosphere of mutual respect.

Step 2. Define and explore the issue.

The issue is the essential point of discussion or debate during the negotiations and must be clearly defined at the start of the process to ensure that all participants are working toward the same end. You and your counterparts need to share your understandings of the issue and as many of the underlying causes and symptoms as possible. Compare, contrast, and discuss your various perspectives in order to develop and articulate your shared understanding of the issue. Record the resulting statement of the issue on a flip chart and hang it within clear view to serve as a visual reference and reminder throughout the negotiation process.

Step 3: Explore interests.

Openly explore and discuss the interests at stake for all sides because these interests serve as the building blocks for developing possible solutions. Therefore, you must not only clearly articulate your own interests but must also encourage your counterparts to do the same.

Throughout this stage, ask each other exploratory and clarifying questions. If someone is having trouble expressing his or her interests, reframe questions to help stimulate the process. For example, "What specific concerns do you have about this issue?" "What business-related interests concern you?" "What is at stake for the programs, projects, or reforms you are trying to implement?"

It is helpful to track each party's interests by recording them on a flip chart in separate columns. (Use a format similar to the Negotiation Preparation Worksheet in Annex 4-C). When the lists are complete, highlight shared or common interests. It is important to recognize the legitimacy of the full range of interests identified, but attention should be focused on the mutual interests for the remainder of the negotiation session.

Step 4: Invent options for mutual gain.

The purpose of this step is to develop as many options or solutions to the problem as possible. All parties must work together so that any solution adopted is the result of a truly participatory process during which everyone's voice was heard. This is a three-step process: inventing options for mutual gain (Step 4), developing objective criteria to evaluate the options (Step 5), and agreeing on the best possible solution (Step 6). Clarify that, during Step 4, participants should focus solely on generating ideas, not on judging them or selecting among them. These latter tasks will occur in the next two steps.

The more creative, expansive, and collaborative you are in inventing options, the more ideas you generate. Box 4.2 summarizes some brainstorming techniques. You may also consider having a facilitator on hand to manage the brainstorming session so that you can focus your attention on generating ideas along with your colleagues.

Record each idea the group generates on a flip chart. Once you have exhausted your creative juices, quickly review the list of options. Clarify vague ideas, expand on incomplete options, eliminate duplications, and cluster similar ideas as needed.

Step 5: Use objective criteria to evaluate options.

Evaluating proposed options is a particularly sensitive but critical stage in the negotiation process. You may be inclined to start by classifying the options as “acceptable” or “unacceptable,” or state what you are “willing” and “not willing” to do. Although this is tempting because of its simplicity, this is not the most productive approach because it bypasses any explanation of the underlying assumptions, interests, and logic used to arrive at such conclusions. This type of dialogue can derail interest-based communication, lead to position-based bargaining, and cause all parties to become more defensive and entrenched in their respective positions.

The task at this stage is to jointly agree to evaluate the different options based on some objective criteria, rather than on personal preferences or pressure. An objective criterion is a principled reason, or independent standard of fairness, against which the different options can be measured. Numerous objective criteria can be used for evaluating possible options in any negotiation (see Box 4.3). The parties must determine which standards are most appropriate for their negotiation and how they will apply these standards to evaluate the options.

Frame this task as follows: “Together we’ve developed several possible ways of addressing the issue. Let’s focus now on figuring out which option is the fairest. What standards would you suggest we use to evaluate these options?” You may suggest one or more criteria and then invite your counterpart(s) to share his or her ideas.

Step 6. Agree on the best possible solution.

In some cases, one solution stands out as clearly superior. When this happens, you can summarize your understanding of the emerging decision and test whether there is consensus within the group. Remember that silence does not mean agreement; ensure that you hear from each party before you assume anyone’s consent.

In other cases, reaching consensus on the best solution requires additional effort. Here are several techniques for reaching consensus when the initial evaluation of options (Step 5) does not identify a conclusive result:

- ▶ Re-evaluate the identified options using additional criteria that were not used previously.
- ▶ Identify areas where there is some preliminary agreement.

Box 4.2. Brainstorming techniques

- ▷ Make the brainstorming session distinctively different from the rest of the negotiation process by moving to an informal environment.
 - ▷ Seat participants side by side. Hang flip charts listing the problem and the interests of parties involved directly across from the participants.
 - ▷ Aim for quantity, that is, produce as many ideas as possible.
 - ▷ Ask thought-provoking questions to stimulate creativity: What solutions (if any) have we/others proposed to deal with this problem? What are some theoretical cures? What has been tried in the past to deal with similar problems? In other organizations? In other countries? Encourage participants to build on each other’s ideas.
 - ▷ Use role reversal to make people break from everyday thoughts and solutions.
 - ▷ Invite third-party experts (from different professions or disciplines) to participate in the session.
 - ▷ Be careful to record what each person says. There should be no editing at this point in the process.
 - ▷ Refrain from attributing ideas to particular individuals.
- Establish a rule that no ideas should be judged or criticized during the brainstorming session.

Box 4.3. Some objective criteria for health sector reform issues

- ▷ Equity
- ▷ Efficiency
- ▷ Benefits/health effects
- ▷ Opportunity cost (especially where faced with strict budgetary constraints)
- ▷ Market value
- ▷ Precedent
- ▷ Professional standards

- ▶ Explore the areas of disagreement through open dialogue.
- ▶ Solicit ideas from the group on how to jointly address and resolve the areas of disagreement.
- ▶ Solicit ideas from the group about modifying the proposed solutions. For example, “What would it take for this solution to be fair and/or acceptable to you?”

Consensus means that everyone accepts the decision, is willing to support its implementation, and can live with the consequences. Group consensus is built through open dialogue and requires time, patience, and a willingness to seek common ground and work through differences. “Although consensus can not always be found, it can be developed more often than might be expected.”³

Building consensus is clearly preferable to making group decisions by voting or by majority rule, which can be risky when negotiating conflict. You never know whether the minority—those who opposed the decision but were overruled—will accept the group’s decision or attempt to block its implementation.

In some cases, it may be impossible to reach a mutually acceptable solution. When there is only a partial consensus or no agreement, the group should jointly decide to suspend the negotiations. Suspending negotiations at this point can: 1) allow participants the opportunity and time to reflect, 2) diminish feelings of frustration, and 3) encourage the generation of new ideas (via information-gathering or consultation with others). Before concluding the negotiations, however, you must prepare a summary of the discussion, list barriers to agreement, and identify the conditions to be satisfied before future negotiations can take place. If you are committed to reaching an agreement, you must also identify follow-up steps and develop a timeline that will enable the negotiations to resume in the near future.

Step 7: Develop an implementation plan.

Achieving consensus on the best solution assumes that all parties share a mutual commitment in principle, but it does not detail how that commitment will be translated into action. Once you have agreed on a general approach or solution, you must develop a specific strategy for implementing that solution.

Before developing the implementation strategy, briefly detail the resources you and your counterparts are willing to commit to the endeavor (financial, material, and human) and the specific skills or expertise you and your organizations can contribute. This will be the basis of the implementation strategy, which will detail the specific actions to be taken and the roles and responsibilities of each participant.

Finally, you need to identify the methodology and timing for monitoring and evaluating progress. After reaching full agreement, you and your counterparts must record the terms of agreement, review, sign, and date them.

3. Conflict Research Consortium, University of Colorado. “Consensus Rule Process,” from the International Online Training Program on Intractable Conflict.

Step 8. Take extra steps to support your agreement.

An astute negotiator has more than just the know-how and skill to manage the negotiation process; he or she also is able to support the implementation of the agreement after the formal negotiations have concluded.

Negotiation usually occurs among a small group of people, and behind “closed doors.” However, once the participants step outside, they must communicate the results of the negotiation to the larger constituency they represent. Negotiators must be able to explain the rationale behind their decisions and how they addressed the key interests of their constituencies.

Implementation of your agreement is more likely to succeed if you think through in advance what groups may be affected by the agreement and how. What external opposition might have a negative impact on your counterparts’ willingness and ability to implement the solution after they leave the negotiations? How can you craft a message to communicate the results of the negotiations to important constituencies to enlist their support and diffuse any existing or anticipated opposition?

Final considerations on the negotiation process.

For purposes of simplicity and clarity, these guidelines outline a step-by-step negotiation process that starts at the beginning and finishes at the end. In practice, negotiated agreements are seldom reached in one meeting. More often, negotiations span a series of meetings. Therefore, it is critical that the negotiators keep a running record of the agreements reached and establish a mechanism for communicating with each other regularly, even in the absence of scheduled meetings. “In order for the process to be successful, parties need to keep a whole range of issues and problems ‘on the table’ and find ways of organizing them so that sustained dialog across a series of meetings will continue to be both positive and productive.”⁴

Summary

These guidelines outline steps you can take to prepare yourself for conflict negotiation, to understand the nature of conflict, to develop effective interpersonal communication skills and build good working relationships, to prepare for negotiation, and to successfully implement a conflict negotiation. This information is most helpful when you take the time to fill out and score the questionnaire on your strengths and weaknesses as a negotiator (Annex 4-A) and read the accompanying list of suggestions. The two additional worksheets, Personal Inventory (Annex 4-B) and Negotiation Preparation Worksheet (Annex 4-C), should be completed for each new negotiation you consider.

The issues, parties, risks, challenges, and consequences will vary considerably from situation to situation, but the disciplined preparation encouraged in these guidelines will greatly improve your probability of success, even if you are a seasoned, experienced negotiator.

4. Chufrin and Saunders 1993.

Results of Effective Conflict Negotiation

Conflict and differences occur as a natural and inevitable part of your work as a change agent in the health sector. When these differences are denied, avoided, or compromised away rather than dealt with openly and constructively, the result can be:

Without negotiation.

- ▶ Energy is diverted from important activities and issues.
- ▶ Morale is destroyed.
- ▶ Groups and individuals are polarized to the extent that future cooperation or collaboration becomes impossible.
- ▶ People behave irresponsibly and regrettably, for example, by name-calling and aggression.
- ▶ Working relationships are destroyed or damaged.

If, on the other hand, you apply careful, thoughtful self-preparation and use the processes outlined in these guidelines, you will be more likely to experience the following constructive outcomes of effectively managed and negotiated conflicts:

With negotiation.

- ▶ Important issues are brought to the surface and clarified.
- ▶ Creative, improved solutions are found.
- ▶ Working relationships are strengthened as both parties honestly and respectfully negotiate their differences.

Negotiation is a process that can build trust, create space for open and productive dialog, and give opposing groups experience in joint problem-solving and collaboration. Over time, successful experiences with conflict negotiation can pave the way for a broader transformation in how conflict is expressed. On a personal level, negotiation can increase an individual's awareness and commitment to change. On a systems level, negotiation can channel the expression of conflict away from competitive, aggressive, or violent behavior and toward nonviolent advocacy, conciliation, and cooperation.

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Annex 4-A

Negotiation Style Assessment and Scoring Sheet

(See reverse side of this sheet.)

Conflict Resolution Questionnaire

How Do You Deal with Conflict?

Answer the questions below as a way of examining how you deal with conflict. The survey was designed by members of Jock McClellan's 1993 class on Conflict Resolution. The questions are based primarily on the methods recommended by Dudley Weeks in *The Eight Essential Steps to Conflict Resolution* (Los Angeles: Jeremy Tarcher, 1992), as well as on principles in Roger Fisher's and William Ury's *Getting to Yes* (Penguin Books, 1991).

First, print the survey. Use the printout to rate each of the following statements from **1 - 5** using the ratings below to indicate how often you do as the statement says. Please write your responses in the **LEFT** column of dashes. Answer the questions to portray your most usual way of dealing with conflicts like those at home or at work. Do not take a long time on any question. Give your initial reaction. The more honest your answers, the more useful the results will be. When you are through, go to the pages with instructions for scoring and interpretation.

- 1. Almost never**
- 2. Occasionally**
- 3. Half the time**
- 4. Usually**
- 5. Almost always**

- | | |
|----------------|--|
| 1. ____ / ____ | I feel that conflict is a negative experience. |
| 2. ____ / ____ | When I resolve a conflict, it improves my relationship. |
| 3. ____ / ____ | I am afraid to enter into confrontations. |
| 4. ____ / ____ | I feel that in conflicts someone will get hurt. |
| V ____ | |
| 5. ____ / ____ | When I prepare to meet to discuss a conflict, I try to arrange for a mutually acceptable time and setting. |
| 6. ____ / ____ | I feel it is important where a conflict takes place. |
| 7. ____ / ____ | I try to make people feel comfortable when meeting with them about a conflict. |
| 8. ____ / ____ | When I start to discuss a conflict with the other party, I choose my opening statement carefully to establish positive realistic expectations. |

A ____

9. ____ / ____ I state my true feelings when dealing with conflict.
10. ____ / ____ During a conflict I ask questions to clarify a statement that I'm not sure of.
11. ____ / ____ I try to be aware of how my negative and positive self-perceptions influence the way I deal with a conflict.
12. ____ / ____ In conflict my reactions are based on how I think the other party perceives me.

C ____

13. ____ / ____ I feel that only my needs are important.
14. ____ / ____ I feel for a relationship to last, the needs of both parties must be considered.
15. ____ / ____ In a conflict I strive to distinguish between real needs and desires.
16. ____ / ____ In order not to harm the relationship, I may temporarily put aside some of my own less important personal wants.

N ____

17. ____ / ____ I share my positive attitude, hoping they will do the same.
18. ____ / ____ I find it necessary to overpower others to get my own way.
19. ____ / ____ I am aware of the other person may need to feel in control of the conflict.
20. ____ / ____ In a conflict, I believe there should be no upper-hand.

P ____

21. ____ / ____ I find it easy to forgive.
22. ____ / ____ I bring up old issues from the past during a new conflict.
23. ____ / ____ When dealing with a conflict, I consider the future of the long-term relationship.
24. ____ / ____ In conflict I try to dominate the other party.

F ____

25. ____ / ____ I listen with an open mind to alternative options.
26. ____ / ____ I feel there is just one way to solve a problem.
27. ____ / ____ When dealing with a conflict, I have preconceived notions about the other party that I am unwilling to let go of.
28. ____ / ____ I can accept criticism from others.

O ____

29. ____ / ____ I feel that winning the war is more important than winning the battle.
30. ____ / ____ I strive for a complete and genuine resolution of a conflict rather than settling for a temporary agreement.
31. ____ / ____ When dealing with a conflict I have a pre-determined solution to the outcome.
32. ____ / ____ I feel the need to control an argument.

D ____

33. ____ / ____ If I had my way, I win, you lose.
34. ____ / ____ When in a conflict with someone, I ask them to explain their position.
35. ____ / ____ I bargain to resolve conflict.
36. ____ / ____ At the end of a conflict, it matters to me that the other person's needs have been met as well as my own.

M ____

37. ____ / ____ I express anger constructively.
38. ____ / ____ In difficult conflicts, I would consider requesting a third party facilitator.
39. ____ / ____ I overlook my partners anger in order to focus on the real issues to conflict.
40. ____ / ____ I feel that it is okay to agree to disagree on specific issues in a conflict.

X ____

Total _____

Using the **same 1-5 scale above**, how often do you feel you are effective at resolving conflicts in a way that builds your long-term relationship with the other parties?

- ____ 1 Almost Never
____ 2 Occasionally
____ 3 Half The Time
____ 4 Usually
____ 5 Almost Always
-

Scoring the Conflict Resolution Questionnaire

1. Reverse the scores for the 12 questions that give high scores for unrecommended responses.

Dudley Weeks says some responses to conflict lead to resolutions which build a relationship, and some do not. All 40 questions need to be on the same scale, giving a high number for desirable or effective responses and a low score for ineffective ones. But 12 of the questions are worded so that ineffective answers get a "5" instead of a "1".

For example, question #1 reads "I feel that conflict is a negative experience." Weeks would say that someone who answers "Almost always", a "5", will probably have difficulty approaching a conflict and that this will reduce the person's effectiveness. Therefore that response deserves a low score, and the "5" needs to be reversed to a "1". Doing this for the 12 questions will assure that all scores will be consistent, with higher scores going to "better" responses.

Please reverse the scores for the following questions: 1, 3, 13, 18, 22, 24, 26, 27, 31, 32, 33, and 35.

Reverse those questions by looking at the response given in the left hand column and writing in a reversed score in the right hand column as follows:

Answer: Score:

5 becomes 1

4 becomes 2

3 remains 3

2 becomes 4

1 becomes 5

2. For the questions that do not need to be reversed.

For the questions that do not need to be reversed, write the same number given in the left-hand answer column in the right-hand score column.

3. Compute sub-totals and the total.

The 40 questions are in groups of 4, based on topics in Week's book. Add the scores for each group of 4 and put the result in the blank. (The letter is just an abbreviation for the topic of that group.)

Then add the sub-totals and enter the result in the "Total" blank.

4. Interpret the results, and learn from them.

The higher your scores, the more effective you are likely to be at finding resolutions that meet everyone's real needs and that build your long-term relationship. Of the 10 sub-totals, which were the highest? These are probably areas where you are effective. Which sub-totals were the lowest? These are probably areas where you might try a different approach. Use the sheet "Learning from the Survey" to understand where you might improve. Pick **2 or 3** of the questions with the lowest scores, and try out behaviors, which might make you more effective at resolving conflicts productively.

Learning from the Survey

The higher your score on any question or section of the survey, the more likely you are to be effective at arriving at resolutions that meet both people's needs and that build the relationship. Low scores may indicate areas where you could increase your effectiveness.

For each question on the survey, some advice is given below. The advice was compiled by the Conflict Resolution class and is based primarily on Dudley Weeks' *The Eight Essential Steps to Conflict Resolution*, but also includes ideas from other sources, including *Getting to Yes* by Roger Fisher and William Ury. The guidelines are given in groups of four, corresponding to the ten lettered groups in the survey, which are in turn based on the topics or steps in Weeks.

For the questions or sections on which you got the lowest scores, read the guidelines and consider trying them.

They may help you be more effective.

V. VIEW CONFLICT AS NATURAL AND POSITIVE.

View conflict as a natural outgrowth of diversity among people, which can be addressed in a win-win way that strengthens your relationships. Remember the value of building your long-term relationship. View the resolution of the conflict and the building of the relationship as inter-related parts. Prevention works best.

1. View conflicts as opportunities for growth - for you and the other person, and for your relationship.
2. Handle the differences in a way that strengthens your relationship - together you will find more satisfying resolutions for this and future conflicts.
3. Address differences directly, realizing you are more likely to meet both your concerns and the other's if you discuss issues openly.
4. Separate the people from the problem, so you can protect the relationship while addressing the problem.

A. ATMOSPHERE.

Start by establishing an effective atmosphere that promotes partnership and problem-solving.

5. Meet with the other at a mutually satisfactory time, when you both have plenty of time and are free from distractions.
6. Meet in an equally acceptable place that is tranquil and gives you equal power.
7. Help the other feel comfortable and safe, affirming the importance of the relationship.

8. Start by saying you know the two of you can invent some solutions together that are mutually acceptable.

C. CLARIFY PERCEPTIONS.

- Work with the other so both are very clear about what the conflict is really about. Eliminate ghost issues that arise from misperceptions. Separate the people from the problem. Acknowledge emotions as legitimate. Then face the problem together.
9. Be clear with yourself and with the other how you feel and how you perceive the problem Use "**I - Statements**" to tell the other how you feel, rather than "**You - Statements**" that blame. Assert your needs without attacking the other.
 10. Ask questions to clarify your perception of the other's perceptions. Listen actively. Acknowledge what the other says.
 11. Look at yourself honestly, clarifying needs and misperceptions.
 12. Clear up misperceptions and stereotypes. Avoid pushing "**buttons.**"

N. Note NEEDS, not wants.

- Identify the needs that are essential to you, your partner, and your relationship.
13. Acknowledge the legitimate needs of the other, as well as those of your own. Recognize that there are usually multiple interests. Fractionate the problem.
 14. Recognize that sustaining your relationship requires meeting needs of both.
 15. Distinguish between real needs and secondary desires. Identify the other's core goals you can support.
 16. Postpone contentious demands that may damage the relationship until you and your partner have worked on meeting needs of the relationship first.

P. Produce Positive Partnership POWER.

- Build "**power with,**" shared power which enables lasting resolutions and relations.
17. Be positive; be clear about yourself and your values. Keep reaching for the other's positive power and potential for constructive action. Recognize the power of effectiveness that comes from having the skills to develop the relationship, understand interests, invent options, and agree based on objective criteria.

18. Avoid negative "**power over**," which wastes energy in seesaw battle, and which may backfire, not achieving your lasting goals. Treat others as you want to be treated.
19. Don't stereotype the other only by their negative power; keep options open for the other's constructive power. Don't ask who is more powerful; be optimistic about outcomes.
20. Work as a team, realizing you need each other's positive power to act effectively. Be unconditionally supportive of the relationship.

F. Focus on the FUTURE first, then learn from the past.

21. Forgive (which does not mean you approve). Acknowledge all fall short. Move beyond negative past; look to positive potential. Be hard on the problem and soft on the people.
22. Focus on the current issue. Don't pick old wounds. Learn from the past; recall good resolutions.
23. Remember the importance of the long-term relationship. Create images of an improved relationship resulting from effective resolution of the conflict.
24. Work as partners for mutually beneficial agreements which will nurture your relationship.

O. Open up OPTIONS for Mutual Gain.

25. Listen with an open mind to alternative options. Ask for the other's options first; learn from them.
26. Prepare for discussions by inventing several specific new options that meet shared needs. Don't view these as final goals, but as starting points. Together, brainstorm new possibilities. Separate inventing from deciding. Postpone critical discussion.
27. Beware preconceived answers. Look for common ground behind seeming oppositions. Avoid stereotypes.
28. Listen actively and acknowledge what is being said (which does not mean agreeing with it).

D. Develop "DOABLES," Stepping-stones to Action.

29. Develop small steps that lead you closer to a mutually healthy decision on larger issues. Chose ones that meet shared needs and that you have shared power to implement.

30. Do not rest with temporary fixes which are not sufficient to meet the long-term problem. As the three little pigs learned, solid construction will last.
31. View this as a cooperative process whose best outcome cannot be foreseen alone at the beginning.
32. You will have a more satisfactory outcome if all factions participate as equals. Understand that the others have interests and needs too.

M. Make MUTUAL-BENEFIT AGREEMENTS.

33. Avoid win-lose solutions, which damage the long-term relationship. Consider the needs of your partner, you, and your relationship, and you both will win. Avoid a contest of wills. Yield to reason, not pressure. Do not be a "**door-mat.**"
34. Ask the other to clarify his/her interests; clarify your own.
35. Avoid bargaining, posturing, demands, and threats, which kill cooperative problem-solving. Acknowledge non-negotiable elements. Focus on interests, not positions, but do build large agreements on small prior doables.
36. Be caretaker of the other's welfare as well as your own. Make agreements that meet objective, reasonable standards of fairness. Make agreements that meet the needs of both, and that build the relationship.

X. EXTRA Considerations.

37. Express anger constructively. Emotions are legitimate and communicate. Channel anger's energy. Focus on the angering behavior, not the person.
38. Define your best alternative to a negotiated agreement. Seek a third party facilitator when you and the other lack needed skills or when there seem to be intractable differences.
39. Listen, but don't react to emotional outbursts. Explore underlying interests and options together.
40. Agree to disagree on specific value differences. Don't feel you have to agree on everything.

Annex 4-B

Self-Inventory Worksheet

Before committing to any negotiation process, carefully answer the questions below. Review your answers and use them to gain perspective on the conflict and proposed negotiation from your personal and professional point of view.

What specifically concerns me about this conflict?

What are my interests and underlying needs contained in this issue? What is at stake for the reforms I am trying to implement?

What personal risks are involved for me if I am not successful?
Leadership position? Professional standing? Self-esteem? Job security? Other?
(Be specific and thorough so you are clearly aware of your strengths and/or vulnerability)

a) Am I sufficiently informed of the interests and needs of the group I represent? Have I adequately discussed any underlying assumptions with my colleagues/constituents?

b) Do I have sufficient power and authority (or does my negotiating team) to make and carry out agreements?

If not, who else needs to be at the table? How can I get them there?

What assumptions am I making about the opposition? Are they based on knowledge of current interests, past negative experiences; preconceived notions based on what I have heard?
(Be specific and clear with yourself on this issue.)

What would be the best possible solution both parties could agree on?

What would be a solution I could live with?

What is the best situation I can expect if I do not negotiate?

Annex 4-C

Negotiation Preparation Worksheet¹

INSTRUCTIONS: To complete the worksheet, follow the steps listed below in sequential order.

(1) Develop a concise working definition of the issue, as you see it.

(2) Identify your interests at stake in the issue

In order to be able to focus on those interests of most importance to you during the negotiations, you need to first be clear about all of the interests you have at stake in the issue. Develop a complete and detailed list of your interests in the problem. Each interest should reflect a specific underlying need, desire, or fear. Once the list is complete, be sure to double check it and clarify any position or value statements.

(3) Rank your interests

Naturally, some interests will be more important to you than others. To ensure that you focus on your key interests during the negotiation process rather than get caught up in secondary issues, it is critical that you assess the relative importance of each interest beforehand. A simple method to use in ranking each interest in terms of its relative importance is to assign each a weight of 0 to 100 percent, based on its overall importance. *Enter a rank next to each interest listed in left-hand column.*

(4) Identify possible interests at stake for your counterpart(s)

Because negotiation is a process of collaboration and compromise, it is important to also make a best estimate of the other parties' interests in the problem. Accurate information about the other side's interests is often-times difficult to obtain, but try to develop as accurate an estimate as possible of what is at stake for your counterpart(s). Empathy is the most important resource you have for inferring what these interests might be. Consider the situation from the other parties' perspective; identify the issues they might be concerned about. What personal interests might be at stake for them (e.g., their leadership position, professional standing, job security, financial wellbeing)? What business-related interests might they be concerned about? What is at stake for the programs, projects, or reforms they are trying to implement? What are the interests of other individuals and/or groups affected by the issue that you might take into account?

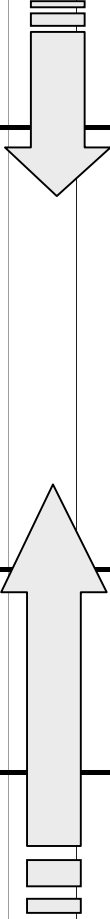


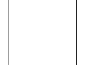


Depending on the quantity of information and other resources at your disposal, you can research any publicized statements they have made on the issue as well as information about their organization and/or projects. (If you have conducted a *stakeholder analysis* or developed an *advocacy strategy* for the policy beforehand, you can obtain information about your counterparts' interests by referring to the Stakeholder Analysis Table and Tool 3: Audience Identification Worksheet, respectfully).

(5) Invent options for mutual gain

You can draw upon both your interests and those of the other side to brainstorm possible options for mutual gain (i.e., those that incorporate one or more interests from each side).

1. Adapted with permission from *Getting Ready to Negotiate, a Step by Step Guide to Preparing for Any Negotiation*.

Finally, you will want to test these options by reviewing each individually and questioning whether you would find the option to be a tolerable and acceptable solution. If you cannot answer “yes” to any of these options, it signals the need to recheck your initial assumptions. You might have overlooked a key interest or inaccurately measured the relative importance of an interest(s).

<p>(1) Issue:</p>	<p>(2) My Interests Ask yourself: "What do I care about?" "Why?" and "For what purpose?"</p>	<p>(3) Relative Importance Assign a weight of 0-100%</p>	<p>(5) Possible Options for Mutual Gain List ways to meet interests on both sides</p>	<p>(4) Their Interests Ask yourself: "What might they care or worry about?" "Why," and "For what purpose?"</p>
				
				
				
				
				
				

Sample completed negotiation preparation worksheet

Issue: Proposed Ministry of Health policy to establish results-based contracts with NGOs for the provision of health services, which have been historically financed via subsidies.			
My Interests (NGO's)	Relative Importance	Possible Options for Mutual Gain	Their Interests (Ministry of Health)
Information: find out the purpose of the MOH policy to contract out to NGOs	10%	Allow NGOs to participate in the definition of the terms of the contract, and ensure that they are provided with sufficient resources to be able to comply with its requirements	Implement the reform
Participate in the development of contracting policies	30%		Exercise MOH oversight role
Ensure that clear rules for contracting are established	10%		Develop better information systems for documenting health service delivery activities and results;
Secure sufficient financial resources from the MOH to be able to comply with the contract requirements, i.e., for contract administration	40%		Be able to report these results to supervisors, other public sector representatives, and international donors
Government recognition of our NGOs	10%		Define clear contract terms
Financial sustainability of our NGOs			Encourage competition amongst NGOs
Maintain the institutional vision of our NGOs			Formalize the relationship between MOH and NGOs
Stable relationship with the Ministry of Health			Foster new forms of partnership between the MOH and NGOs
Achieve positive results/impact			Strengthen the health sector
Strengthen the health sector			Ensure that health services provision is equitable, efficient, and high-quality